

## **REMARKS**

Applicant is in receipt of the Office Action mailed January 30, 2008. Claims 4, 24, 76, 80, and 84 have been amended. Claims 88-97 have been added. Therefore, claims 4, 5, 24, 25, and 72-97 remain pending in this case. Reconsideration of the present case is earnestly requested in light of the following remarks.

## **OBJECTIONS TO THE DRAWINGS**

The Office Action objects to the drawings because they improperly use trademarks, are hard to read because of copyright issues, and contain handwritten numerals. Applicant has supplied Replacement Sheets with corrected drawings to remedy these various informalities as specified by 37 CFR 1.121(D) and 1.84, and MPEP section 714(II)(D). Applicant submits that the above changes only correct informalities in the drawings to overcome the Office Action objection, and that no new matter was added.

## **SPECIFICATION OBJECTIONS**

The Office Action objects to various terms in the specification. Applicant has supplied replacement paragraphs to remedy improper trademark usage as well as update the specification to show current status of the co-pending patent application, as specified by 37 CFR 1.121 and MPEP section 714(II)(B). Applicant submits that the above changes only correct informalities in the Specification to overcome the Office Action objection, and that no new matter was added.

## **OBJECTIONS TO THE IDS**

The Office Action objects to the IDS of 10/11/2000, and specifically that it fails to comply with 37 CFR 1.98(a)(1). Applicant has electronically submitted a supplemental IDS that remedies various informalities.

### **103 Rejection**

Claims 4, 5, 24, 25, and 72-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,209,033 to Datta in view of U.S. Patent No. 6,744,767 to Chiu. Applicant respectfully disagrees.

### **Claim 4**

Claim 4 is distinguished over Datta and Chiu, taken singly or in combination, because the cited references do not teach or suggest various elements of claim 4.

Neither Datta nor Chiu teach or suggest at least the “media aggregation managers” of claim 4 (the Office Action also does not address the “media aggregation managers” of claim 4). Claim 4 recites “media aggregation managers” being “capable of serving as reservation aggregation points on behalf of a first user community and a second user community.” The Office Action states that “Datta failed to disclose performing these functions with respect to the reservation and allocation of bandwidth.” *See* Office Action at 5. In fact neither Datta nor Chiu teach or suggest “media aggregation managers” at all.

The Office Action asserts that Chiu discloses a “reservation system for bandwidth and buffer resources at each router in a path and along alternative paths in case of failure.” *See* Office Action at p. 5. Applicant disagrees and notes that Chiu teaches a system for “providing Quality of Service to Internet Protocol networks based on a three-class differentiated service scheme where the service provider uses a resource management system and a schedule optimizer to enable the optimal use of bandwidth and buffer resources at each node or router along the various links between the ingress and egress points in a network.” *See* Chiu Abstract. Chiu teaches that the resource reservation system “checks to determine if sufficient bandwidth resources are available along the path requested by the customer for a particular class.” *See* Chiu Abstract.

However, the cited portions of Chiu merely disclose that the “bandwidth allocation device (52) is capable of allocating and reserving sufficient bandwidth according to a preselected scheme corresponding to service classifications.” *See* Chiu at 5:48-52. Thus Chiu teaches away from the element of claim 4 of “displaying second graphical representations for allocating and/or deallocating bandwidth between the first

media aggregation manager and second media aggregation manager.” Furthermore, even if Datta and/or Chiu taught “media aggregation managers” of claim 1, which Applicant asserts they do not, neither Datta nor Chiu teach or suggest, nor the Office Action asserts that either one teaches or suggests “displaying first graphical representations representing the first media aggregation manager and the second media aggregation manager.” See Office Action at p. 4 and 5. Thus these elements of claim 4 are distinguished over the cited art.

Furthermore, Applicant respectfully submits that the Office Action does not provide a proper reason to combine the references of Datta and Chiu. Appellant also submits that no proper motivation to combine has been provided by the references. The suggested motivation to combine Datta with Chiu is “by discussing a need to monitor current network characteristics, and applying plans on a short term basis to provide timely communication services” citing Datta at 6:22-32. See Office Action at p. 5. However, the Office Action simply rephrases a need disclosed in Datta and does not show a need for “reservation and allocation of bandwidth” of claim 1. In fact, the solution for the above problem was provided by Datta in text following the cited alleged need for combining – “to overcome such limitations, an embodiment of the invention performs CEP on a network based upon the traffic volume across the links of the network.” See Datta at 6:46-49. Thus Datta does not provide motivation to combine because it clearly states that any problems it has are fixed by the solution provided within the Datta patent.

As the Examiner is certainly aware, the showing of a suggestion, teaching, or motivation to combine prior teachings “must be clear and particular... broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence’.” *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The Office Action does not provide any analysis or reasons for obviousness under the KSR standard either. *KSR Int'l v. Teleflex, Inc.*, 550 U.S. \_\_\_\_ (2007). Thus, the combination is not available for making a *prima facie* case of obviousness. Furthermore, even if the references were combinable, the resulting combination would still not produce Applicant’s invention as claimed, as argued above.

Therefore Datta and Chiu, taken singly or in combination, do not teach or suggest at least the elements of “displaying first graphical representations of the first media aggregation manager and the second media aggregation manager,” “the first and second media aggregation managers capable of serving as reservation session aggregation points,” and “displaying second graphical representations for allocating and/or deallocating bandwidth between the first media aggregation manager and second media aggregation manager.” Thus, Applicant respectfully submits that Datta and Chiu fail to disclose all the features and limitations of claim 4, and so, for at least the reasons provided above, Applicant submits that claim 4 is patentably distinct and non-obvious over Datta and Chiu, and thus allowable.

Similar arguments apply with equal force to the 35 U.S.C. 103(a) rejection of claims 24, 76, 80, and 84. Thus, Applicant respectfully submits that claims 4, 24, 76, 80, and 84, and their dependent claims are patentably distinct and non-obvious over Datta and Chiu and are thus allowable for at least these reasons.

Therefore removal of the section §103 rejection of claims 4, 5, 24, 25, and 72-87 is respectfully requested.

Applicant submits that new independent claim 93 and those dependent thereon are allowable based on at least certain of the arguments made above for claim 4.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/6057-44001/JCH.

Also filed herewith are the following items:

- Request for Continued Examination
- Terminal Disclaimer
- Power of Attorney By Assignee and Revocation of Previous Powers
- Notice of Change of Address
- Supplemental Information Disclosure Statement
- Replacement Drawings

Respectfully submitted,

/Jeffrey C. Hood/

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